

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Criminal Nos.
	:	
	:	1:01-CR-193 (MD/PA)
	:	1:05-CR-006 (MD/PA)
v.	:	1:05-CR-203 (MD/PA)
	:	1:05-CR-228 (WD/AR)
JOHN MIZIC	:	1:05-CR-232 (MD/PA)
	:	1:05-CR-256 (WD/LA)
	:	1:05-CR-259 (D/WY)
	:	1:05-CR-284 (WD/VA)
	:	1:05-CR-294 (CD/IL)
	:	1:05-CR-252 (D/NE)
	:	1:05-CR-253 (ED/TX)
	:	1:05-CR-288 (MD/FL)
	:	1:05-CR-324 (ED/TN)
	:	1:05-CR-296 (SD/MS)
	:	1:05-CR-285 (MD/PA)
	:	1:05-CR-287 (MD/PA)
	:	1:05-CR-305 (MD/PA)
	:	1:05-CR-306 (MD/PA)
	:	1:05-CR-367 (D/MN)
	:	1:05-CR-440 (D/NH)
	:	1:05-CR-456 (SD/IA)
	:	
	:	Judge Sylvia H. Rambo
	:	(Electronically Filed)
	:	

MOTION TO CONTINUE SENTENCING

AND NOW comes the defendant, John Mizic, through his attorney, James V. Wade, Federal Public Defender and files this Motion to Continue Sentencing and in support thereof, the following is averred:

1. The above cases encompass charges of escape, bank fraud, and possession of stolen mail in the Middle District of Pennsylvania as well as similar charges in other federal judicial districts that were transferred to the Middle District pursuant to Rule 20 of the Federal Rules of Criminal Procedure.
2. On January 27, 2005 and on January 5, 2006, Mizic pled guilty to all charges pursuant to a Rule 11 (c)(1)(C) plea agreement.
3. The Court initially deferred its decision as to the acceptance or rejection of the Rule 11 (c)(1)(C) plea agreement. The Court accepted the plea agreement on January 5, 2006.
4. On November 29, 2006, the Federal Public Defender's Office received the final presentence report.
5. Sentencing is currently scheduled for December 21, 2006, before Your Honorable Court.
6. From telephone calls with Mizic's wife and the Bureau of Prisons, counsel for defendant has learned that Mizic suffered a heart attack which resulted in Mizic's hospitalization for three days.
7. A stent was placed in a major artery.
8. Mizic was released from the hospital and returned to Allenwood Low on or before November 22, 2006.

9. Since Mizic's release from hospitalization, he was returned to the hospital due to complications involving shortness of breath.
10. Due to Mizic's current medical condition, access to his healthcare treatment at Allenwood Low is necessary at this time.
11. The presentence report should be updated with Mizic's current medical information.
12. Counsel requests that sentencing be continued until the week of January 22, 2007.
13. First Assistant United States Attorney Carlson concurs with the granting of this request.

WHEREFORE, for the foregoing reasons, it is respectfully requested that this Honorable Court grant the within Motion to Continue Sentencing until the week of January 22, 2007.

Respectfully submitted,

Date: December 8, 2006

s/ James V. Wade
JAMES V. WADE, ESQUIRE
Federal Public Defender
Attorney ID #PA33352
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Attorney for John Mizic

CERTIFICATE OF SERVICE

I, James V. Wade, Federal Public Defender do hereby certify that on this date I served a copy of the foregoing **MOTION TO CONTINUE SENTENCING**, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

Martin C. Carlson, Esquire

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

John Vought

[REDACTED]
[REDACTED]
[REDACTED]

John Mizic

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respectfully submitted,

Date: December 8, 2006

s/ James V. Wade

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